IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO : 5831 of 1999

Between:

Y.Raja Reddy, S/o Y.Narasi Reddy,
R/o.1/132, Near Clock Tower,
Kadiri, Ananthapur District.

..... PETITIONER

AND

The Regional Transport Officer,
Hindupur, Ananthapur Distirct.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other Writ, order or direction, calling for the concerned records and quash the order of the respondent dt. 16.2.1999 in Memo.No.77/A1/99 and direct the respondent to transfer the ownership of the vehicle bearing registration No.KA 06/2357 in the name of the petitioner without insisting on the increase of seating capacity as per Rule 334 of Motor Vechicle Rules, 1989.

Counsel for the Petitioner: MR. ARIFULLA

Counsel for the Respondent: GOVERNMENT PLEADER FOR TRANSPORT

The Court made the following:

ORDER:

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This writ petition is filed questioning the proceedings of the Regional Transport Officer, Hindupur, Anantapur District dated

16-02-1999 issued in Memo No.77/A1/99. When the petitioner made an application

on 15-02-1999 to effect the transfer of ownership of the vehicle, which was with the seating capacity of 41, this impugned order is passed, directing the petitioner to increase the seating capacity of the vehicle from 41 to 48 under Rule 334 of the Andhra Pradesh Motor Vehicles Rules, 1989 (for short, 'the Rules').

This Court has already held that Rule 334 of the Rules are only prospective. In that view of the matter, the respondent cannot insist for increase of the seating capacity of the vehicle from 41 to 48. Accordingly, there shall be a direction to the respondent to consider the ownership as a request for transfer of the ownership without insisting on the seating capacity of the vehicle as per Rule 334 of the Rules.

The writ petition is disposed of accordingly. No order as to costs.

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R.SUBHASH REDDY, J

23rd June, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Transport Officer, Hindupur, Anantapur District.

2. Two CCs to the Government Pleader for Transport,

High Court Buildings, Hyderabad (O.U.T).

3. Two CD copies.